

Anna Choice

November 10, 2005

Chicago, IL

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1 manufactured the Heparin Sodium?

2 A No, it doesn't.

3 Q Do you know who manufactures Heparin
4 Sodium?

5 A No, I don't.

6 Q So is it correct that you have no
7 way of knowing from these records whether the
8 Heparin Sodium you were prescribed was manufactured
9 by a particular company?

10 A No, I don't.

11 Q Do you know whether the charges for
12 this medication was based on AWP?

13 A No, I don't.

14 MR. DOVE: I'd like to mark as
15 Exhibit Choice 004 a collection of what appeared to
16 be billing and/or medical records bearing the Bates
17 label Choice 0008 to Choice 0031.

18 (Exhibit Choice 004 marked.)

19 BY MR. DOVE:

20 Q And I would ask the witness if she
21 could please take a moment to look through these
22 pages, and after you've had a chance to do that, if

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1 from Exhibit Choice 003.

2 MS. FEGAN: Okay.

3 MR. DOVE: I'd like to put on the
4 record: Our understanding of the difference
5 between this Exhibit Choice 004 and the prior
6 Exhibit Choice 003, at least from our
7 interpretation, it looked like what's part of
8 Exhibit Choice 003 are documents that came from Dr.
9 Thomas's office, whereas these documents came from
10 St. Mary of Nazareth Hospital, and I guess related
11 primarily to Dr. -- Dr. Huq.

12 If you or counsel has a different
13 understanding, please let us know for the record,
14 but that's the reason we separated these exhibits.

15 MS. FEGAN: I don't know. I mean,
16 we could certainly -- I wouldn't have an objection
17 to letting you know how it came after this
18 deposition, but as I sit here, I don't know.

19 BY MR. DOVE:

20 Q Ms. Choice, do these records reflect
21 your being prescribed Cytoxan? I can direct your
22 attention to page 23 in particular.

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1 A Uh-huh.

2 Q And your answer?

3 A Yes, it's on here.

4 Q Do these records reflect the charge
5 for Cytoxan?

6 A I don't see a charge on here.

7 Q Do these records reflect any charges
8 being based on AWP?

9 A Not as far as I know.

10 Q Do these records reflect you being
11 prescribed Rubex?

12 A No, I don't see them on here.

13 Q If you could please turn with me to
14 page 28 of this document.

15 A Uh-huh.

16 Q Do you see on there where it says
17 "final notice, balance due, \$362.20"?

18 A Yes, I do.

19 Q Do you recall whether you ended up
20 paying this particular bill?

21 A This is Dr. Huq. No, I don't think
22 I have.

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1 Q Do you recall whether your account
2 was turned over to a collection agency?

3 A No, I don't think so.

4 Q But to the best of your knowledge,
5 you've not paid this \$362.20?

6 A No, I don't think I have.

7 Q If you could turn back with me to
8 the prior exhibit, Exhibit Choice 003, I have just
9 a few follow-up questions.

10 If you could turn to page five of
11 that exhibit.

12 On the bottom right-hand corner, it
13 says: This is your balance for this day of
14 service, please send payment. Do you see that?

15 A Yes, I do.

16 Q And do you see the arrow pointing to
17 \$24.75?

18 A Yes, I do.

19 Q Do you recall whether you paid
20 this -- this balance?

21 A No, I don't remember.

22 Q Is it possible that you did not pay

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1 this balance?

2 A May have been. I'm not sure.

3 Q If you could turn to page 33 of this
4 exhibit.

5 You see on the center of the page,
6 where it says: Your insurance has been billed for
7 you. Your share of this balance is \$139.50. Do
8 you see that?

9 A Yes, I do.

10 Q Do you recall whether you paid the
11 \$139.50?

12 A I really don't know.

13 Q If you turn with me to page 39 of
14 this document.

15 Specifically down toward the bottom
16 of the page, where it says: Your insurance has
17 been billed for you. Your share of this balance is
18 \$81.25. Do you see that?

19 A Yes, I do.

20 Q Do you recall whether you paid that
21 \$81.25?

22 A No, I don't, don't remember.

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1 Q If you could turn to page 46.

2 And you see at the top it says

3 payment, \$50 --

4 A Yes, I do.

5 Q -- Anna Choice. Do you recall

6 whether you paid the 50 dollar payment?

7 A Yeah. Yeah, I remember paying that.

8 Q Do you recall what that payment was
9 for?

10 A No, just -- you know, I'm just
11 paying on my bill. I don't know exactly what I was
12 paying. I'm just paying, you know, towards my
13 bill.

14 Q The only reason I ask that question
15 is here it doesn't appear like anything was checked
16 off.

17 A Right. I understand.

18 Q So it's possible that \$50 was for
19 physician services that had nothing to do with
20 prescription drugs?

21 A Could have been. I'm not sure.

22 Q And would your answer be the same

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1 for the next page, page 47?

2 A Yeah, it could have been.

3 MR. DOVE: I'd like to mark as
4 Exhibit Choice 005 a collection of receipts and
5 what looks to be a copy of a check, bearing the
6 Bates labels Choice 43 through Choice 45.

7 (Exhibit Choice 005 marked.)

8 BY MR. DOVE:

9 Q Ms. Choice, have you seen these
10 documents before?

11 A Yes, I have.

12 Q What are these documents?

13 A These are payments to the doctor.

14 Q When you say -- let's start with the
15 first page.

16 A Uh-huh.

17 Q There are five receipts that are
18 shown here. What do these receipts represent?

19 A These are the money orders that --
20 from the money order I made for the doctor. These
21 are the stubs from it.

22 Q Now, I notice that the dates on

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1 these payments are all in the years 2004 and 2005.

2 Do you see that?

3 A Yes, I do.

4 Q What specifically are these payments
5 for?

6 A The same thing, the treatments that
7 I had and the medicine that was given to me. I'm
8 still paying.

9 Q Oh, I see. So -- so these payment
10 stubs relate to payments for the services you
11 received back in 2000 and 2001?

12 A Yes, it does.

13 Q And so just so I'm clear, these
14 don't relate to payments for the checkups you get
15 every three months for the doctor?

16 A No, not right now. Nope.

17 Q Do you have a payment plan set up
18 with Dr. Thomas for paying your outstanding
19 balance?

20 A Yeah. He -- I don't know what kind
21 of bookkeeper he got, but I talked to her about my
22 bill. And, you know, I asked -- she sent some of

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1 them to collections. So I asked her which ones did
2 she send to collections. She told me she don't
3 know.

4 So right now I set up a plan with
5 collections, and this bill was \$4,000. That one I
6 paid. I pay \$125 a month on that one. But she
7 still have bills in the office that she, you know,
8 trying to send me, too. So I don't understand what
9 she doing.

10 Q But you don't know one way or the
11 other whether these receipts have anything to do
12 with your -- with medications in this case, is that
13 right?

14 MS. FEGAN: Objection, asked and
15 answered. You can answer it.

16 THE WITNESS: Well, basically I'm
17 assuming it's, you know, for the medicine and the
18 services, because the bills, they all together, so
19 I'm assuming it's for both of them.

20 BY MR. DOVE:

21 Q But you'd agree there's no way you
22 can -- you can look at one of these receipts and

Anna Choice

November 10, 2005

Chicago, IL

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1 say, that \$75, that was for my treatment for
2 Zofran, is that correct?

3 A No, I can't say that.

4 Q Turning the page to page 44 and 45,
5 am I correct that this is the back and front of the
6 same check?

7 A Yes, it is.

8 Q And what does this check relate to?

9 A For the doctor.

10 Q So -- oh, I see. So this is an
11 earlier check in 2002 to the doctor?

12 A Yes, it is.

13 Q And the more recent checks are money
14 orders from this Travelers Express Company?

15 A Yes, it is.

16 Q But, again, the 50 dollar check is
17 for -- is payment on an outstanding balance to the
18 doctor, correct?

19 A Yes.

20 Q And you don't know whether it's for
21 services or for medication, correct?

22 A No, because the bills -- everything

EXHIBIT 19

Joyce Dison

November 9, 2005

Kewanee, IL

1

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF MASSACHUSETTS

3

4 IN RE: PHARMACEUTICAL INDUSTRY)

5 AVERAGE WHOLESALE PRICE)

6 LITIGATION) MDL No. 1456

7) Master File No.

8) 01-CV-12257-PBS

9 This Document Relates to)

10 ALL ACTIONS.) Patti B. Saris

11) Judge

12

13 The discovery deposition of JOYCE DISON, called

14 for examination pursuant to the provisions of the

15 Code of Civil Procedure and Rules of the Supreme

16 Court as they apply to the taking of discovery

17 depositions, taken before Arlene H. Nauman, CSR,

18 RMR, a Notary Public in and for the County of

19 Tazewell, State of Illinois, on the 9th day of

20 November, 2005, at the hour of 10:30 a.m., at Motel

21 8 Conference Room, 901 Tenney Street, in the City

22 of Kewanee, County of Henry, State of Illinois.

CERTIFIED COPY

Joyce Dison

November 9, 2005

Kewanee, IL

19

1 A Yes.

2 Q And you said something about your hours
3 being reduced when you went to Eagle's?

4 A Yes.

5 Q How did your hours change?

6 A Well, I was working between 38 and 40 hours
7 and when I first started I think I was doing
8 between 15, 12 to 15 hours.

9 Q So, when you had been at Kroger's it was
10 almost a 40-hour week?

11 A Yes.

12 Q And at Eagle's it was half time?

13 A To start, yes.

14 Q And then later did it become fulltime?

15 A Well, they kind of changed like 32 hours,
16 you could get your full benefits, and I guess that
17 was considered fulltime. But it eventually, as
18 they were, you know, as business declined then
19 hours were cut.

20 Q Were you eligible for Medicare at all?

21 A No.

22 Q Medicaid?

Joyce Dison

November 9, 2005

Kewanee, IL

25

1 Q And then if you go -- then it looks like
2 something happened on 11-22 or 11 -- so, if you go
3 to Dison 7, this is the year 2000. Oh, wait. So
4 this would have been after you were diagnosed?

5 A Yes.

6 Q Was there a subsequent hospital stay?

7 A No. The biopsy was done as an
8 out-patient.

9 Q Well, --

10 A I believe.

11 Q The surgery itself, though, was performed
12 on December 15th of 1999 at the Kewanee Hospital;
13 is that correct?

14 A Yes.

15 Q I mean there are --

16 A 12-15, um-hum.

17 Q But they're listing of '00 not '99?

18 A Well, maybe it -- the actual -- let's see.

19 Q And I'll just, if it helps at all, it looks
20 like your chemotherapy bills were 2001.

21 A Okay, I'm a year behind.

22 Q That's fine.

Joyce Dison

November 9, 2005

Kewanee, IL

30

1 somebody in the doctor's office gave to you?

2 A Yes.

3 Q And were these in your personal file that
4 you kept at home?

5 A Yes.

6 Q Did you receive any other information about
7 any of the other drugs that you were receiving?

8 A I don't think so.

9 Q There is some handwriting on the first page
10 where it says "Anzemet", and I can't read the next
11 word, and it says "In IV 1st to prevent nausea", do
12 you see that?

13 A Yes.

14 Q Do you know whose handwriting that is?

15 A I believe it was one of the nurses that was
16 responsible for giving me the chemo.

17 Q Do you recall being aware of these names at
18 the time period, did it mean anything to you?

19 A No.

20 Q If I told you that certain of these drugs
21 had multiple manufacturers, one of them being my
22 client, Bristol-Myers Squibb, but others making the

Joyce Dison

November 9, 2005

Kewanee, IL

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1 same chemical compound, could you tell me which
2 manufacturers' drugs you received?

3 A No.

4 Q How many courses of treatment did you have
5 with Dr. Vukov?

6 A From January to I believe --

7 Q January, 2001?

8 A Yes, to I believe it was the end of June or
9 the first part of July of the same year.

10 Q And were you generally satisfied with the
11 level of care that you received?

12 A Yes.

13 Q Do you have any reason to believe that Dr.
14 Vukov chose the particular drugs in question
15 because of any financial incentive?

16 A No.

17 Q Let me mark what your counsel produced to
18 me today as our next exhibit.

19 (Whereupon Exhibit Dison 003
20 was marked for identification)

21

22 BY MR. TRETTER:

HENDERSON LEGAL SERVICES
202-220-4158

Joyce Dison

November 9, 2005

Kewanee, IL

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1 that are not in those two documents?

2 A I don't think so.

3 Q Okay. I assume you still have checks, for
4 example?

5 A Yes.

6 Q Or your bank statements, those would be
7 documents?

8 A Yes.

9 Q So, I'm just going to ask you to search
10 your recollection again to see if there is anything
11 else you can think of that might be in your
12 possession that relate to your chemotherapy?

13 A I don't believe so.

14 Q Then let's talk about the lawsuit. We have
15 the letter from Mr. Ryan?

16 A Yes.

17 Q Which was I think our fourth exhibit. We
18 have the authorization form that you sent to Ms.
19 Connolly to get some medical records from Dr.
20 Vukov?

21 A Yes.

22 Q We have, we didn't mark it, but we have the

EXHIBIT 20

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MASSACHUSETTS

3

4 IN RE PHARMACEUTICAL INDUSTRY

5 AVERAGE WHOLESALE PRICE MDL No. 1456

6 LITIGATION

7) CIVIL ACTION:

8 THIS DOCUMENT RELATES TO 01-CV-12257-PBS

9 ALL CLASS ACTIONS

10)

11

12

13 The discovery deposition of

14 TRACY L. GARCIA, taken in the above-entitled case,

15 before Karyn Chalem, CSR, RPR, on the 15th day of

16 November, 2005, at 1:00 o'clock p.m. at the offices

17 of The Wexler Firm, One North LaSalle Street, Suite

18 2000, Chicago, Illinois, pursuant to agreement of

19 counsel.

20

21 Reported by: Karyn H. Chalem

22 License No.: 084-004167

1 once in Little County of Mary Immediate --

2 A Little Company of Mary.

3 Q Little Company, excuse me.

4 A Just for the record, I did have, I

5 believe, two chemotherapy sessions at Dr. Hannigan's

6 office, in his Oak Lawn office.

7 Q But that was in the hospital there, the

8 Christ --

9 A The annex of the hospital.

10 Q Okay. Do you believe that the doctors

11 prescribed drugs based on what was in your best

12 medical interests?

13 A Yes, sir.

14 Q Do you believe they prescribed drugs

15 based on how much money they would make off the drugs

16 they prescribed?

17 A No, sir.

18 Q Ms. Garcia, are you currently covered by

19 Medicare?

20 A No, sir.

21 Q I notice you're not 65 yet, but are you

22 otherwise eligible for Medicare benefits?

1 A No, sir.

2 Q Are you covered by Medicaid?

3 A No, sir.

4 Q Does your employer provide you with
5 health insurance?

6 A Yes, sir.

7 Q And what is that health insurance?

8 A Blue Cross/Blue Shield PPO of Illinois.

9 Q And is that affiliated with the United
10 Food -- I don't want to get this wrong. United Food
11 and Commercial Workers Union and Employers Midwest
12 Health Benefits Fund?

13 A Yes, sir.

14 Q Are you a member of that fund?

15 A Yes, sir.

16 Q If you know, what's the relationship
17 between -- if you don't mind, I'll call it UFCW --
18 UFCW and Blue Cross/Blue Shield of Illinois?

19 A I don't know.

20 Q Do you know if Blue Cross/Blue Shield of
21 Illinois is the plan administrator of the UFCW's
22 fund?

1 Q Do you know -- do you -- did you take
2 Albuterol or were you administered Albuterol on the
3 29th of March 2005?

4 A Yes, sir.

5 Q And you testified earlier that you had a
6 bronchial infection?

7 A Yes, sir.

8 Q Was that related to the chemotherapy
9 that you had been taking?

10 A No.

11 Q Do you know who manufactured the
12 Albuterol that you were prescribed on the 29th?

13 A No.

14 Q Do you know who manufactured any of the
15 drugs that you took?

16 A No, sir.

17 Q If you remember, in both the Complaint
18 and your affidavit, you said that one of the drugs
19 you took was Rubex?

20 A Yes, sir.

21 Q Is your taking of Rubex reflected in any
22 of the billing records that you've produced? I'll

1 represent to you I couldn't find it.

2 A I have not seen it, either.

3 Q Let's just look at, for example, page --

4 sorry, now we're going back and forth between the

5 clean copy and the other copy, but on Garcia Number

6 5, page 56, if you look maybe 12 or so entries down,

7 there's a listing of Adriamycin.

8 A Adriamycin, yes.

9 Q Do you see that?

10 A Yes, sir.

11 Q Is that what you were referring to in

12 your affidavit when you said that you took Rubex?

13 A I'm not -- I don't know. I'm not sure.

14 Q Do you know who manufactured the

15 Adriamycin that you took?

16 A No, sir.

17 Q Okay. Sorry to switch back and forth

18 here.

19 A That's okay.

20 Q Could we go back to page 49 of Exhibit

21 Garcia 002, with respect to the Albuterol, and it

22 says DIAG, the value listed is 493.90, the units, the

EXHIBIT 21

Donna Kendall

November 18, 2005

Springfield, IL

1

1 THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MASSACHUSETTS

CERTIFIED COPY

3

4 IN RE: PHARMACEUTICAL MDL DOCKET NO.

5 INDUSTRY AVERAGE WHOLESALE CIVIL ACTION

6 PRICE LITIGATION 01-CV-12257-PBS

7 THIS DOCUMENT RELATES TO:

8 ALL ACTIONS

9

10

11

12

13 THE DEPOSITION of DONNA KENDALL, taken in
14 the above-entitled case before Julie A. Brown, a
15 Certified Shorthand Reporter of Christian County,
16 acting within and for the County of Sangamon, State
17 of Illinois, at 10:10 o'clock A.M., on November 18,
18 2005, at 107 East Allen Street, Springfield,
19 Sangamon County, Illinois, pursuant to notice.

20

21

22

Donna Kendall

November 18, 2005

Springfield, IL

19

1 A Yes, they did.

2 Q What is the name of the insurance company
3 that Eagle Foods provided you with?

4 A Blue Cross Blue Shield of Illinois.

5 Q Do you still have health insurance with
6 Blue Cross Blue Shield of Illinois?

7 A No.

8 Q When did Blue Cross Blue Shield of
9 Illinois cease to be your health insurer?

10 A October of 2004. Actually it would have
11 been November because I carried it through October
12 and I paid premiums on that.

13 MR. SCOTT: Just wait for the question.

14 MR. ROBACK: Q Did your coverage with Blue
15 Cross Blue Shield begin in September of 1980?

16 A I don't know.

17 Q Besides Blue Cross Blue Shield of
18 Illinois and Consociate Group have you had any
19 other health insurance since 1990?

20 A No.

21 Q Are you eligible for Medicare?

22 A No.

Donna Kendall

November 18, 2005

Springfield, IL

20

1 Q Have you been a Medicare beneficiary at
2 any time during the last 15 years?

3 A No.

4 Q Are you eligible for Medicaid?

5 A No.

6 Q Do you receive Social Security benefits?

7 A I do, yes.

8 Q Describe the benefits you receive from
9 Social Security.

10 A The amount? I receive my, I'm 62 years
11 old so I receive my retirement benefits, I guess is
12 what they call it.

13 Q Do you have disability insurance?

14 A No.

15 Q Do you have any other private health
16 insurance?

17 A No.

18 Q Other than Blue Cross Blue Shield of
19 Illinois has any other entity or person paid or
20 helped pay your medical bills including medication
21 during the last 15 years?

22 MR. SCOTT: You mean Blue Cross Blue Shield and

Donna Kendall

November 18, 2005

Springfield, IL

21

1 Consociate?

2 MR. ROBACK: Q Well, let's start with Blue
3 Cross Blue Shield.

4 A Consociate has paid.

5 Q Besides Blue Cross Blue Shield and
6 Consociate has any other entity or person paid or
7 helped pay for your medical bills including
8 medication during the last 15 years?

9 A Yes.

10 Q Who?

11 A Mutual of Omaha.

12 Q Did you have insurance through Mutual of
13 Omaha?

14 A I have a cancer policy.

15 Q Describe the policy.

16 A I pay \$57 every six months and it pays a
17 very small amount. It's called the John Wayne
18 policy.

19 Q When did you first obtain this policy
20 from Mutual of Omaha?

21 A I don't remember. It's been some time.
22 I've had it for a number of years.

Donna Kendall

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Springfield, IL

25

1. MR. SCOTT: Same objection.

2. THE DEPONENT: Actually they pay a flat fee
3. per, for a certain number of treatments regardless
4. of what the cost is. They don't pay a percent.

5. Like they would allow \$40 for each treatment up to
6. ten treatments or up to, you know, 40 treatments,
7. whatever it was. I don't recall, but they paid a
8. flat fee per treatment, not, you know, for a number
9. of treatments up to a certain amount.

10. MR. ROBACK: Q So you would send them
11. documents showing what you had paid?

12. A That I had had 18 or 16 chemotherapy
13. treatments, 33 radiation treatments.

14. Q And then they would reimburse you based
15. on whatever their flat rate was?

16. A Right. That's correct.

17. Q Do you have any documents that reflect
18. what Mutual of Omaha reimbursed you?

19. A No, I don't.

20. Q Do you have any documents that would
21. reflect your policy with Mutual of Omaha?

22. A Not with me. I do have it.

Donna Kendall

November 18, 2005

Springfield, IL

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1 Q At home?

2 A Yes.

3 Q Do you have any documents at home that
4 you would have submitted to Mutual of Omaha?

5 A I don't know. To be honest with you, I
6 don't recall what I sent them other than the number
7 of radiation treatments that I had received and the
8 same way with the chemotherapy.

9 MR. ROBACK: Just for the record, we would ask
10 that all documents Ms. Kendall has regarding her
11 coverage with Mutual of Omaha be produced.

12 MR. SCOTT: Take it under advisement.

13 MR. ROBACK: Q Other than Blue Cross Blue
14 Shield of Illinois, Consociate Group and Mutual of
15 Omaha has any other person or entity paid or helped
16 pay for your medical bills including medication
17 during the last 15 years?

18 A No.

19 Q Who pays for, strike that.

20 Who paid for your coverage with Blue
21 Cross Blue Shield of Illinois?

22 A Eagle Foods Store or UFCW. It was